REMARKS

Formal Matters

Claims 1-3 and 5-9 constitute all currently pending claims in the Application.

Applicant thanks the Examiner for acknowledging the receipt of priority documents

submitted under 35 U.S.C. § 119, and for accepting the drawings filed on October 23, 2003.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated

by U.S. Patent No. 7,225,271 to DiBiasio et al. ("DiBiasio"). Applicant traverses this rejection

for at least the following reasons.

In the Amendment filed on September 11, 2007, Applicant asserted that claim 1 was not

taught by DiBiasio. The Examiner appears to disagree with those assertions in the instant Office

Action; however, the Examiner fails to provide reasoning sufficient to maintain the present

rejection.

Claim 1 requires that "each queue of said plurality of queues is controlled by a <u>queue</u>

<u>manager</u> adapted to <u>discard packets</u> coming from said packet classifier <u>when a predetermined</u>

<u>threshold filling level of the queue is reached</u>." This element of claim 1 contains a number of

requirements untaught by DiBiasio. For example, this portion of claim 1 requires, <u>inter alia</u>, that

it is the "queue manager" which is adapted to "discard packets." Furthermore, the claimed

packets must be discarded "when a predetermined threshold filling level of the queue is

reached."

First, the Examiner fails to show that DiBiasio teaches a "queue manager" adapted to

"discard packets." In the "Response to Arguments" section of the instant Office Action, the

Examiner asserts that "DiBiasio discloses that RSVP engine performs admission control," citing

col. 11, lines 5-6 of DiBiasio. (Office Action at 7.) The Examiner further asserts that "RSVP engine directs the classification engine to place packets in priority queue," citing col. 12, lines 6-8 of DiBiasio. (Id.) The Examiner, thus, appears to assert that because the RSVP engine may deny a reservation request, this aspect of DiBiasio is sufficient to teach a "queue manager" adapted to "discard packets." The RSVP engine of DiBiasio, however, is clearly <u>not</u> a "queue manager." In fact, the Examiner clearly concedes this point, stating that "[a]s shown in Fig. 5, Queue selector 510 manages the queues Q1-Q4." (Id.) Thus, the Examiner fails to assert that the component of DiBiasio identified by the Examiner as corresponding to the "queue manager" of claim 1, namely the queue selector 510, discards packets in the manner required by claim 1.

With respect to the arguments above, Applicant respectfully submits that the Examiner has not sufficiently addressed Applicant's argument as presented in the Amendment filed on September 11, 2007. For example, Applicant clearly stated that "the RSVP engine for 24 is not a queue manager because it does not manage the queues the Examiner associates with the queues of claim 1." As set forth above, the Examiner again fails to assert that the RSVP engine of DiBiasio manages the queues.

Applicants also respectfully note that "[w]here the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it." MPEP § 707.07(f) (emphasis added). Since the Examiner has failed to directly address this argument, thereby delaying prosecution, Applicant respectfully requests that the finality of the present Office Action be withdrawn.

Second, nothing in DiBiasio appears to contemplate discarding packets "when a predetermined threshold filling level of the queue is reached." DiBiasio contains no discussion of a threshold, and the Examiner has failed to assert that this requirement of claim 1 is met. At

best, DiBiasio merely suggests the possibility of the PQ becoming full, in which case packets

may be dropped. (DiBiasio at col. 12, lines 17-19.) Applicant emphasizes that DiBiasio

contains no teaching of an intentional discarding of packets by a queue manager, and contains no

teaching that packets should be intentionally discarded "when a predetermined threshold filling

level of the queue is reached." Applicant, further, respectfully points out that the recitation of "a

predetermined threshold filling level" in claim 1 is clearly supported in the specification, for

example in elements T0-T3 of the non-limiting exemplary embodiment depicted in Fig. 1. In

contrast, there appears to be no mention whatsoever of a predetermined threshold filling level in

DiBiasio.

Thus, DiBiasio fails to teach each and every required element of claim 1, and therefore,

fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner

withdraw the rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS).

Applicants herewith petition the Director of the USPTO to extend the time for reply to the

above-identified Office Action for an appropriate length of time if necessary. Any fee due under

37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is

also directed and authorized to charge all required fees, except for the Issue Fee and the

Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said

Deposit Account.

<div style="text-align:center">Respectfully submitted,</div>

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